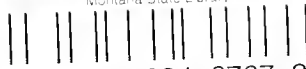


S
342
C1R

Montana State Library



3 0864 1004 6767 2

S
342
C15

RULES

MONTANA CONSTITUTIONAL CONVENTION

1971 - 1972



PL

JAN

MSE AL 6 77

Base 19 79

INDEX

CHAPTER I. GENERAL PROVISIONS

- Rule 1. Quorum and Majority
- Rule 2. Seat of Convention
- Rule 3. Sessions of the Convention
- Rule 4. Admission to Floor - Defined

CHAPTER II. OFFICERS & EMPLOYEES

- Rule 5. Officers of the Convention
- Rule 6. Duties of the President
- Rule 7. Duties of the Vice Presidents
- Rule 8. Duties of the Secretary
- Rule 9. Duties of the Executive Director
- Rule 10. Vacancies
- Rule 11. Employees of the Convention

CHAPTER III. DELEGATES

- Rule 12. Assignment of Seats
- Rule 13. Conduct in Debate - Questions of Privilege
- Rule 14. Delegates Called to Order
- Rule 15. Dissent of Delegates
- Rule 16. Times a Delegate May Speak
- Rule 17. General Limit on Debate
- Rule 18. Absence of Delegates
- Rule 19. Contemptuous Behavior of Delegates
- Rule 20. Disclosure of Personal Interest
- Rule 21. Vacancies
- Rule 22. Compensation of Delegates

CHAPTER IV. COMMITTEE OF THE WHOLE

- Rule 23. Committee of the Whole
- Rule 24. Consideration of Proposals
- Rule 25. Amendments in Committee of the Whole
- Rule 26. Motion that Committee of the Whole Rise
- Rule 27. Reconsideration
- Rule 28. Application of Convention Rules
- Rule 29. Limitation of Debate

CHAPTER V. COMMITTEES

- Rule 30. Substantive Standing Committees
- Rule 31. Procedural Standing Committees
- Rule 32. President Ex Officio Member of All Standing Committees
- Rule 33. Select Committees
- Rule 34. Appointment of Committee Members
- Rule 35. Appointment of Committee Chairmen and Vice Chairmen

- Rule 36. Quorum and Rules of Committees
- Rule 37. Calling of Committees and Agenda
- Rule 38. Notice of Committee Hearings
- Rule 39. Sitting of Committees During Sessions of the Convention
- Rule 40. Subcommittees
- Rule 41. Committee Proposals
- Rule 42. Committee Meetings and Hearings
- Rule 43. Consideration of Proposals Without Committee Recommendation
- Rule 44. Last Day for Committee Reports
- Rule 45. Power to Incur Expenses

CHAPTER VI. DELEGATE PROPOSALS, RESOLUTIONS AND CITIZEN SUGGESTIONS

- Rule 46. Proposals - Introduction
- Rule 47. Forms
- Rule 48. Resolutions
- Rule 49. Citizen Suggestions
- Rule 50. Present Constitution - Referral
- Rule 51. Order of Consideration of Proposals
- Rule 52. Majority Vote on Proposals
- Rule 53. Unfinished Special Orders

CHAPTER VII. TRANSACTION OF BUSINESS

- Rule 54. Order of Business
- Rule 55. Roll Call
- Rule 56. Petitions - Entered in Journal
- Rule 57. Motions
- Rule 58. Reduced to Writing
- Rule 59. Withdrawal of Motions
- Rule 60. Privileged Motions
- Rule 61. Motions not Debatable
- Rule 62. Order of Putting Questions
- Rule 63. Amendments Must Be Germane
- Rule 64. Division of Question
- Rule 65. Previous Question
- Rule 66. Motion for Reconsideration
- Rule 67. Ordering Calls of the Convention
- Rule 68. Procedure on Call of Convention

CHAPTER VIII. LOBBYISTS

- Rule 69. Registration and Regulation

CHAPTER IX. MISCELLANEOUS

- Rule 70. Reading of Documents
- Rule 71. Putting the Question
- Rule 72. Recognition During Roll Call
- Rule 73. Roll Call

- Rule 74. Amendment or Suspension of Rules
- Rule 75. Appeals - Form of Question
- Rule 76. Mason's Rules of Legislative Procedure
- Rule 77. Voting by the Electrical Roll Call System
- Rule 78. "Present" Votes
- Rule 79. Convention Schedule

CHAPTER I
GENERAL PROVISIONS

Rule 1 - Quorum and Majority

A majority of Delegates, as hereinafter defined, shall constitute a quorum for the transaction of business, but a smaller number may adjourn the Convention from day to day and may also compel the attendance of absent Delegates by the means approved by a majority, but not less than twelve (12), of the Delegates present and voting. A majority of Delegates may prescribe penalties for the non-attendance of Delegates.

When a quorum is obtained, the affirmative vote of a majority of the Delegates present and voting is sufficient for the adoption of any motion or resolution or the taking of any action by the Convention or the Committee of the Whole except that under order of business No. 5 and No. 6 and as otherwise specified in these rules an affirmative vote will require the majority of the elected Delegates for which no vacancy exists by resignation, expulsion under Rule 19, or death.

Rule 2 - Seat of Convention

The House of Representatives chambers in the State Capitol in the City of Helena, Montana, the foyer to said chambers and the south Senate lobby is designated "Convention Hall" and shall be the seat of the Convention. Sessions and hearings of the standing committees of the Convention may be held throughout the state as provided in Rule 42 of these rules.

Rule 3 - Sessions of the Convention

All sessions of this Convention and all meetings of its committees shall be open to the public and the news media.

Rule 4 - Admission to Floor - Defined

Only Delegates, officers, employees, members of the news media, and such other persons as may be authorized by the President shall be admitted to the Convention Hall one-half (1/2) hour prior to the commencement of the session, during the session, and within one-half (1/2) hour after adjournment.

CHAPTER II
OFFICERS AND EMPLOYEES

Rule 5 - Officers of the Convention

There shall be elected from the delegates, by majority vote, the following permanent officers: a President, a First Vice President, two additional Vice Presidents, one from each Congressional District, and a Secretary.

The President shall nominate an Executive Director, whose nomination shall be ratified by the Convention and who shall be subject to removal by the Convention. The salary of the Executive Director shall be established by resolution of the Convention.

Rule 6 - Duties of the President

The President shall preside at sessions of the Convention and of the Committee of the Whole, and exercise the usual powers and perform the usual duties of a presiding officer. He shall preserve order and decorum and fairly assign floor rights. He may speak to points of order and, subject to an appeal to the Convention or to the Committee of the Whole, shall decide points of order.

The President shall be chief executive of the Convention, and all other officers and employees shall be responsible to his general supervision.

Together with the Secretary of the Convention, he shall authenticate by signature all proposals, resolutions or other formal acts adopted by the Convention.

He shall cause to be prepared and furnished to each delegate a daily calendar and agenda of business for each session of the Convention

He shall, with the advice of the Committee on Administration,

prepare a budget and submit it to the Convention for its approval on or before January 21, 1972. Every two weeks thereafter, he shall submit to the Convention a report of the expenditures of the Convention for the preceding two weeks.

He shall, with the advice of the Committee on Administration, let bids and award contracts for materials and services.

He may vote in all elections, on all decisions called for by any delegate, and on all questions taken by ayes and nays, except that the President may not vote twice, once to cause a tie vote and then again to break it.

He may appoint any Delegate to preside temporarily at any session of the Convention or any Committee of the Whole, but not for longer than one day at a time without leave of the Convention.

Rule 7 - Duties of the Vice Presidents

The First Vice President shall have such duties as the President may assign, and shall preside as President in case of the sickness or absence of the President, or in case of a vacancy in the office of President. The two additional Vice Presidents shall have such duties as shall be assigned by the President: neither shall have the right of succession.

Rule 8 - Duties of the Secretary

The Secretary shall have custody and preserve all proposals, resolutions, committee reports and all other records, books, documents and papers of the Convention. He shall not permit them to be taken out of his custody except in the regular course of the business of the Convention.

He shall certify and deliver to the Secretary of State the revisions, alterations or amendments to the Constitution as approved by the Convention for submission to the electorate.

The Secretary shall keep a journal of the proceedings of the Convention in conformity with the rules, supervise the daily publication thereof, and make such corrections as may be necessary. He shall furnish each Delegate a copy of the proceedings of the previous day. The journal shall be considered the approved journal of the Convention, unless otherwise ordered thereby. The Convention Reporter shall keep a verbatim record of Convention proceedings and shall, within the time prescribed by the Convention, provide a verbatim transcript of all proceedings had in Convention sessions and the sessions of the Committee of the Whole.

He shall have such other duties as stipulated in these rules, but, after consultation with the President, he may delegate part of these duties to the Executive Director or another employee designated by the President. He may not, however, delegate the duty of certifying the revisions, alterations or amendments to the Constitution approved by the Convention for submission to the electorate.

Rule 9 - Duties of the Executive Director

The Executive Director of the Convention shall be primarily responsible for the administration of the Convention under the authority and supervision of the President.

Rule 10 - Vacancies

If a permanent vacancy occurs in both the offices of President and First Vice President, the Secretary shall temporarily preside until the Convention elects a President and First Vice President to fill the office in the same manner in which the officers were first elected.

If a permanent vacancy occurs in the office of any of the other Vice Presidents or in the office of the Secretary, the President shall appoint a member to exercise the powers of that vacant office until the Convention fills the vacancy in the same manner in which the officer was first elected.

Rule 11 - Employees of the Convention

The Committee on Administration, after consultation with the President, shall appoint such employees as may be necessary for the effective operation of the Convention. The titles of their positions and their salaries shall be established by the Convention.

CHAPTER III

DELEGATES

Rule 12 - Assignment of Seats

The permanent seats of the Delegates shall be assigned by the President in the following order: alphabetically from left to right while facing the Chair and from the front to the rear. Variations in this seating may be authorized by the President for the officers of the Convention. If a vacancy occurs, the person selected to fill the vacancy shall continue to have the seat of the Delegate who vacated the position.

Rule 13 - Conduct in Debate - Questions of Privilege

When any Delegate is about to speak in debate or to present any matter to the Convention, he shall rise from his seat and address himself to "Mr. President" except when in the Committee of the Whole and then to "Mr. Chairman"; he shall not speak until recognized, and when recognized he shall confine himself to the question under consideration and avoid personalities and offensive language. Questions of privilege shall be governed by Chapter 23 of Mason's Legislative Manual.

Rule 14 - Delegates Called to Order

The President or any Delegate may challenge any other Delegate who, in speaking, violates the rules of the Convention. Upon such challenge, the President may order the speaker to sit down. The President's order to sit down, or the failure of the President to order the speaker to sit down may be appealed.

Rule 15.- Dissent of Delegates

Any two or more Delegates shall have the liberty to dissent from and protest in respectful language against any action or



Is

((

((

relating to the Convention which they think injurious to the public or to any individual, and have the reasons for their dissent entered upon the Journal.

Rule 16 - Times a Delegate May Speak

Except as provided by Rule 28, no Delegate may speak more than once on the same question without leave of a majority of those present and voting unless he be the mover of the matter pending or Chairman of the committee that reported it, in which case he shall be privileged to speak twice.

Rule 17 - General Limit on Debate

No Delegate shall speak longer than ten minutes at any one time, nor more than once on the same question, except by leave of the Convention; except that the Delegate handling a proposal shall have the right to speak no longer than five minutes to close debate, even if the previous question has been ordered and even if he has spoken once before on the issue. The restriction imposed by this rule shall not be applicable to Chairmen and Vice Chairmen of committees when the latter are presenting a report of their committee to the Convention or to the Committee of the Whole, and the same exemption from the requirement of this rule shall also be applicable in the case of the chief spokesman for a minority report of a committee of the Convention. Any Delegate shall have one minute to explain his vote on any roll call vote on proposals or amendments to proposals anytime prior to the closing of the vote on the question.

Rule 18 - Absence of Delegates

No Delegate shall absent himself from the sessions of the Convention unless he have leave or be sick, or his absence be unavoidable.

Rule 19 - Contemptuous Behavior of Delegates

Any Delegate who persists in disorderly conduct after being warned by the President or Chairman of the Committee of the Whole, that he is out of order, by motion duly made and carried by a two-third's majority of the Delegates elected, be held in contempt and be required to purge himself of such misconduct; and until such Delegate has purged himself, he shall not be entitled to the privileges of the floor.

Rule 20 - Disclosure of Personal Interest

Any Delegate who has a significant personal or private interest, economic or otherwise, in a matter before the Convention shall disclose this interest to the Convention.

Rule 21 - Vacancies

Vacancies occurring in the Convention shall be filled in the manner provided for filling vacancies in the legislative assembly as provided in Sections 43-215 and 43-216, RCM, 1947.

Rule 22 - Compensation of Delegates

For each day of the organization, plenary and signing sessions of the Convention, Delegates shall be paid the same per diem and expenses as provided in Section 43-310, RCM, 1947, for members of the legislative assembly. Delegates shall be entitled to mileage for three trips to and from their residences and Helena by the nearest traveled route at the rate provided for the legislative assembly in Section 43-310, RCM, 1947.

The President and First Vice President shall be paid the same per diem and expenses as the President of the Senate and Speaker of the House of Representatives, as provided in Section 43-311, RCM, 1947.

CHAPTER IV
COMMITTEE OF THE WHOLE

Rule 23 - Committee of the Whole

All proposals reported by any Substantive Committee of the Convention shall be referred to the Committee of the Whole and become general orders to be placed upon the calendar and agenda of the Committee of the Whole by the President. No committee proposal shall be considered by the Committee of the Whole until forty-eight (48) hours after the duplicated committee proposal has been placed on the Delegates' desks, unless the Convention agrees to its earlier consideration. No committee proposal shall be placed on the Delegates' desks until after it has been reported to the Convention under Order of Business No. 1.

Rule 24 - Consideration of Proposals

When the Convention reaches consideration of general orders of the day, it shall resolve itself into Committee of the Whole. General orders shall be considered as follows: first, in order of referral, proposals of the Committee on Style; second, in order of referral, proposals of Substantive Committees. The Committee of the Whole may consider a particular proposal out of turn. No recorded roll call vote shall be taken, except upon the demand of five (5) Delegates.

Rule 25 - Amendments in Committee of the Whole

Every motion or amendment shall be reduced to writing if the President or any Delegate shall request it, and shall be entered upon the Journal, together with the name of the Delegate

making it, unless the motion is withdrawn by the maker or is ruled out of order by the Chairman.

Rule 26 - Motion that Committee of the Whole Rise

A motion that the Committee of the Whole rise and report progress shall always be in order unless a member of the Committee is speaking or a vote is being taken, and such motion shall be decided without debate by a vote of a majority of those present and voting; and provided further, when the Committee of the Whole again sits, the subject under consideration prior to the motion to rise and report progress shall again be resumed.

Rule 27 - Reconsideration

A motion to reconsider shall be in order in the Committee of the Whole by a majority vote of those present and voting, before the Committee shall rise and finally report. A motion to reconsider shall not be renewed.

Rule 28 - Application of Convention Rules

The rules of the Convention shall be observed in the Committee of the Whole so far as they may be applicable except that: the Committee of the Whole cannot adjourn the Convention; the previous question shall not be ordered; a majority vote is necessary to approve a proposal; the Committee may re-refer any proposal back to the Substantive Committee from which it came or may refer it to any other Substantive Committee; and a motion to postpone indefinitely or a motion to table or for a Call of the Convention shall not be in order. A member may speak more than once in the Committee of the Whole. A journal

of its proceedings and a verbatim transcript of its debates shall be kept by the Committee of the Whole.

Rule 29 - Limitation of Debate

Before a proposal is taken up by the Committee of the Whole, any Delegate shall be privileged to move that a limitation be placed upon the time of the debate and consideration of such proposal by the Committee of the Whole, provided that equal time is to be afforded to the proponents and the opponents of such proposal, and the Committee may fix in advance of consideration of a proposal or proposals a time for Committee to rise and report progress.

CHAPTER V
COMMITTEES

Rule 30 - Substantive Standing Committees

The Substantive Standing Committees are:

Bill of Rights
Legislative
Executive
Judiciary
Local Government
Revenue and Finance
Education and Public Lands
Public Health, Welfare, Labor and Industry
Natural Resources and Agriculture
General Government and Constitutional Amendment

Rule 31 - Procedural Standing Committees

The Procedural Standing Committees are:

Administration
Public Information
Rules and Resolutions (Rules)
Style, Drafting, Transition and Submission (Style)

Rule 32 - President Ex Officio Member of All Standing Committees

The President shall be an ex officio member of all standing, Substantive, and Procedural Committees, but shall not vote except to break a tie and shall not be counted for the purpose of determining a quorum.

Rule 33 - Select Committees

The President may on his own initiative or at the direction of the Convention appoint such select committees as may be necessary to perform special functions.

Rule 34 - Appointment of Committee Members

The President, after consultation with the Vice Presidents shall appoint the committee members, but any appointment, on the

announcement thereof, may be rejected by a majority of the members of the Convention prior to adjournment on January 19, 1972. Each member, except the President, shall be appointed to serve on one Substantive Standing Committee.

Rule 35 - Appointment of Committee Chairmen and Vice Chairmen

The President, after consultation with the Vice Presidents, shall designate the Chairman and Vice Chairman of every committee, and his designees shall be subject to the approval by a majority of the members of the Convention. In case of a vacancy or the prolonged absence of the Chairman and Vice Chairman, the President of the Convention shall appoint a Chairman to act until the Chairman or Vice Chairman shall return. The Vice Chairman shall perform all of the duties and functions of the Chairman in the absence of the Chairman. Committee Chairman and Vice Chairman shall vote on all items before the Committee the same as other Delegates.

Rule 36 - Quorum and Rules of Committees

A majority of any Committee constitutes a quorum, but the question of the presence of a quorum of a Committee may not be raised on the consideration of a proposal before the Convention, unless the question has been raised before the Committee. The rules of the Convention shall be observed in all Committees as far as may be applicable, and, if applicable, may not be suspended.

Rule 37 - Calling of Committees and Agenda

Each Committee shall meet at the call of its Chairman, who shall also set its agenda, with the advice and consent of the Committee. Any three (3) members of a Committee may in writing

request the Chairman to call a meeting of that Committee, and upon his failure to do so within forty-eight (48) hours not including non-session days and legal holidays, a majority of the members of the Committee shall have the right to call a meeting of the Committee and set its agenda and place of meeting under the appropriate notice requirements. Each Delegate proposal referred to a Committee must appear on the Committee's agenda at least once, but the Committee shall not be required to report to the Convention thereon except as provided in Rule 41.

Rule 38 - Notice of Committee Hearings

No Substantive Committee hearings may be held unless notice thereof is posted in the following manner: the Secretary of the Convention shall be furnished an original and three (3) copies of a written notice, signed by the Chairman or members of the Committee calling the hearing. The notice shall state the date, hour, and the place of the proposed hearing and the proposal number or subject matter to be considered. The Secretary shall post one copy thereof on a designated bulletin board with an endorsement thereon of the hour and date of the posting, which may not be less than 3 days before the time of the hearing. The original notice shall be retained by the Secretary. The other copies shall be returned to the Chairman of the Committee and the Public Information Director with the endorsement of the Secretary. The Substantive Committee Secretary shall deliver a copy of the notice to all members of the Committee and to all members of the Convention who have introduced proposals on the subject matter to be considered.

Each Substantive Committee shall hold a public hearing at which time citizens of Montana will be invited to appear and testify, and file statements containing their testimony and views, upon any and all phases of the proposed constitution being considered by such Committee. Such witnesses may be questioned by Committee members to better elucidate their testimony. All Delegates to the Convention, not members of the Committee conducting the hearing, may attend the hearing as auditors, to better inform themselves of the Committee's progress.

The Substantive Committees will hold their hearings, designed to secure state-wide participation in deliberations on the constitution, in a series at times fixed by the President of the Convention. The President will make such announcement and invitation via the news media so that Montana citizens near and far will have no less than five (5) days' notice so they may be able to avail themselves of an opportunity to appear, testify and participate.

These state-wide general hearings will in no way inhibit Standing Committees to follow up with additional hearings of special character as provided elsewhere in this rule.

Rule 39 - Sitting of Committees During Sessions of the Convention

No Committee shall sit during the sessions of the Convention or of the Committee of the Whole, without having first obtained special leave of the Convention.

Rule 40 - Subcommittees

A Committee, by the affirmative vote of a majority of its members, may provide for the appointment by the Committee Chairman of subcommittees composed of members of the committee.

Reports of subcommittees shall be considered by the entire Committee before the Committee recommends any action thereon by the Convention. All rules applicable to Committees shall be applicable to subcommittees.

Rule 41 - Committee Proposals

The affirmative vote of a majority of the members of a Committee shall be necessary to report a proposal out of a Committee. A Committee by a majority of its members may submit alternative proposals to the Convention and may report proposals with or without a recommendation for action. The proposal of a minority of at least twenty-five percent (25%) of the members of any Committee shall be received, duplicated in the same manner as the majority proposal, and treated as an amendment or substitute offered to or for the report of the Committee if offered as such on the floor.

All proposals reported by a Committee to the Convention shall be reported as Committee proposals and shall be referred to the Committee of the Whole.

Rule 42 - Committee Meetings and Hearings

All Committee and subcommittee meetings and hearings shall be open to the public and the news media. Committees and subcommittees shall hold meetings at which action may be taken on proposals in the city of Helena or any other place which may be temporarily the seat of the Convention, and, upon the affirmative vote of a majority of the members of the Committee and after consultation with and approval by the President, may hold hearings at any other place in the state.

Committees and subcommittees may take testimony under oath of affirmation. The Chairman of a Committee or subcommittees may request the President of the Convention to subpoena documents and witnesses. A witness shall have the right to be represented by counsel of his own choosing. A recorded roll call vote on any matter on the agenda of a Committee and on which a vote is to be taken shall be taken on demand of any member of the Committee. A Committee, after consultation with and approval by the President, may direct that a verbatim record be kept of any portion of its proceedings.

Committees may meet jointly with the consent of their respective Chairmen, and the consent of the President.

Rule 43 - Consideration of Proposals Without Committee Recommendation

After one day's notice the Convention, on motion passed by the affirmative vote of a majority of members, may require a Committee to return, with or without a recommendation, any proposal referred to the Committee.

Rule 44 - Last Day for Committee Proposals

The Committee of the Whole will receive no final proposal of a Substantive Committee after the deadline established under Rule 79.

Rule 45 - Power to Incur Expenses

No Delegate or Committee shall incur any expense chargeable to the Convention unless such expense is approved by the President or is authorized by resolution of the Convention. No motion or resolution calling for an expenditure of money shall be acted upon by the Convention without first being referred to the Administrative Committee for consideration and recommendation.

CHAPTER VI

DELEGATE PROPOSALS, RESOLUTIONS AND CITIZEN SUGGESTIONS

Rule 46 - Proposals - Introduction

Any suggestion, proposition or draft intended to become a part of any revised constitution or amendment or alteration of the existing constitution which is introduced by one or more Delegates shall be called a Delegate Proposal. A Delegate Proposal shall be endorsed by the Delegate or Delegates introducing it. No Delegate Proposal may be introduced later than the deadline established under Rule 79. When a Delegate Proposal is introduced it shall be referred by the President to the proper Standing Committee, except when he refers it to the Committee on Rules and Resolutions to determine whether its content is on the appropriate order of business. By vote of at least one-third (1/3) of the Committee on Rules and Resolutions any proposal shall be referred to a Standing Committee.

Where a proposal embraces subject matter which falls within the proper consideration of several Committees, the President, where practicable, shall divide the proposal and refer the parts to the appropriate committees; if it is not subject to such division, the President shall refer it to an appropriate Committee with instructions to consult with other Committees on related matters.

Rule 47 - Forms

The Executive Director, under the supervision of the President, shall prepare forms in accordance with these rules for Delegate Proposals, Citizen Suggestions, Resolutions and Committee Proposals.

The Delegate Proposals shall be reproduced or duplicated. The original of all proposals shall remain in the custody of the Convention. The Secretary shall, as soon as any proposal is reproduced or duplicated, place it on the desks of the Delegates.

All proposals must be approved as to form by some person or agency designated by the President before being introduced or submitted.

Any Delegate Proposal which does not comply with the provisions of these rules as to form shall be referred to the appropriate Committee as a Citizen Suggestion.

Rule 48 - Resolutions

Resolutions may be introduced by Delegates or Committees.

Delegate resolutions shall be given to the Secretary, assigned a number and referred to the appropriate Committee by the President.

After consideration, the Committee shall report the resolution to the Convention with or without recommendation and the resolution shall be considered under Order of Business No. 1.

If the rules are suspended for early consideration the Secretary shall read the resolution and it shall be considered under Order of Business No. 7.

Committee resolutions shall be read by the Secretary under Order of Business No. 7 and considered under Order of Business No. 7.

No recorded roll call vote shall be taken under the consideration of resolutions.

Rule 49 - Citizen Suggestions

Any subject matter presented to the constitution suggested by a non-delegate shall be called a citizen suggestion.

Citizen suggestions shall be given a number by the Secretary and the original shall be referred by the President to the appropriate Committee for consideration but need not be placed on the agenda of the Committee.

Before the Convention adjourns sine die, the original shall be returned to the Convention Secretary.

Rule 50 - Present Constitution - Referral

The President shall refer each section of the present Montana Constitution to the appropriate Committees.

Rule 51 - Order of Consideration of Proposals

The prescribed order in which proposals introduced in the Convention are to be considered shall be as follows:

Introduction. Delegate proposals shall be filed with the Secretary.

Delegate proposals shall be assigned a number by the Clerk, referred to the appropriate Committee by the President, duplicated and distributed to the Delegates.

Standing Committee Consideration. Standing Committees shall consider all Delegate Proposals referred to the Committee, prepare Committee Proposals, report Committee Proposals under Order of Business No. 1; Committee Proposals will be received by the Convention without a debate or vote. The President shall refer all Committee Proposals to the Committee of the Whole. The Committee Proposal shall be duplicated and distributed to the

Delegates. Minority Committee Proposals signed by twenty-five percent (25%) of any Committee will be duplicated and referred to the Committee of the Whole.

Committee of the Whole Consideration. Committee Proposals will be considered, debated and amended by the Committee of the Whole in order of reference and placed on General Orders of the Day.

The Committee of the Whole shall debate and adopt by section the Committee Proposal.

The Committee of the Whole shall report to the Convention under Order of Business No. 7 and refer the proposed Article to the Committee on Style. A motion to segregate a report of the Committee of the Whole shall not be in order.

Consideration and Report of the Committee on Style- Articles. The Committee on Style shall make only changes as to style, form and grammar. The report of the Committee on Style on each Article shall be made on Order of Business No. 1. The report shall be received by the Convention without debate or vote and the President shall refer the report to the Committee of the Whole. The report shall be duplicated and distributed to the Delegates.

Committee of the Whole Consideration of the Report of the Committee on Style. The report of the Committee on Style shall be considered, debated and amended by the Committee of the Whole section by section as to style, form and grammar. The report of the Committee of the Whole shall be referred to Order of Business No. 5 for final consideration.

Final Consideration of Articles. The Convention shall finally consider individual Articles at Order of Business No. 5, Section by Section, by a majority of elected Delegates and refer said Articles to the Committee on Style for incorporation in the proposed Constitution.

Consideration and Report of the Committee on Style of Proposed Constitution and Ballot. The Committee on Style shall prepare for submission to the electorate the proposals of the Convention and a ballot. The report of the Committee on Style on its proposals shall be made on Order of Business No. 1 and shall be received by the Convention without debate or vote and the President shall refer the report to the Committee of the Whole. The report shall be duplicated and distributed to the Delegates.

Committee of the Whole Consideration of Proposed Constitution and Ballot. The proposal on the Committee on Style shall be considered only as to the form of the proposed constitution and the form and style of ballot. The report of the Committee of the Whole shall be referred to Order of Business No. 6. The vote on Order of Business No. 6 shall be without debate and be a recorded roll call vote of the Delegates.

Enrolling. The President shall direct the enrolling of the final proposal or proposals of the Convention.

Signing of the Consitution. The enrolled copy shall be signed by the President, attested by the Secretary and then signed by the other Delegates in alphabetical order.

Rule 52 - Required Vote on Final Consideration and Adoption

On final consideration of committee proposals, a roll call vote shall be taken section by section and entered in the journal.

On Adoption of the proposed constitution and ballot, a roll call vote shall be taken on the proposed constitution and on the ballot, and shall be entered in the Journal.

Rule 53 - Unfinished Special Orders

Any subject matter which has been made a special order for a particular day, but which is not reached on that day, shall then come up for consideration under the order of "unfinished business" at the next succeeding session of the Convention.

CHAPTER VII
TRANSACTION OF BUSINESS

Rule 54 - Order of Business

AFTER CALL TO ORDER, INVOCATION AND ROLL CALL the order of business of the Convention shall be as follows:

1. Reports of Standing Committees
2. Reports of select Committees
3. Communications
4. Introduction and reference of Delegate Proposals
5. Final consideration of Proposals
6. Adoption of proposed constitution and ballot
7. Motions and resolutions
8. Unfinished business
9. Special orders of the day.
10. General Orders of the Day (Committee of the Whole)
11. Committee announcements and notices

To revert to or pass to a new Order of Business requires only a majority vote. Unless otherwise specified in the motion to recess, the Convention shall revert to Order of Business No. 1 when reconvening after a recess.

Rule 55 - Roll Call

The Secretary shall call the roll at the opening of each session of the Convention and the President shall announce whether a quorum is present. The President shall announce, and the Secretary shall enter in the Journal, the names of the Delegates absent with leave of the Convention, and the names of the Delegates absent without such leave. Vote by machine may be

taken whenever a roll call or a vote by ayes and nays is directed by or in accordance with these rules.

Rule 56 - Petitions - Entered in Journal

No memorial, remonstrance, or petition shall be read or be entered in full in the Journal, unless ordered read or entered in the Journal by the Convention.

Rule 57 - Motions

When a motion is made, it shall be stated by the President; or, if in writing, it shall be handed to the clerk and read aloud to the Convention before being debated.

Rule 58 - Reduced to Writing

Every motion or amendment shall be reduced to writing if the President or any Delegate shall request it, and shall be entered upon the Journal, together with the name of the Delegate making it, unless the motion is withdrawn by the maker or is ruled out of order by the President.

Rule 59 - Withdrawal of Motions

After a motion has been stated by the President or read by the Secretary, it shall be deemed to be in the possession of the Convention, but it may be withdrawn by the Delegate at any time before being amended or put to vote.

Rule 60 - Privileged Motions

When a question is under debate, no motion shall be received except--

1. To fix the time to which to adjourn
2. To adjourn
3. To take a recess
4. To reconsider

5. To lay on the table.
6. For a Call of the Convention.
7. To move the previous question.
8. To limit debate.
9. To postpone to a day certain.
10. To commit.
11. To amend.
12. To postpone indefinitely.

The motions listed in this rule shall take precedence in the order which they stand arranged. All of them shall be decided by the affirmative vote of a majority of those present and voting, except that a motion for the previous question requires the affirmative vote of two-thirds of those present and voting and a motion to postpone indefinitely requires the affirmative vote of a majority of elected Delegates. When a recess is taken while a question is pending, consideration of such question shall be resumed when the Convention reassembles, unless it determines otherwise. No motion to postpone to a day certain, or to commit, having been decided by the Convention, shall again be in order on the same day or at the same stage of the question. Whenever a proposal is being considered and a motion is then made, either to postpone indefinitely or to commit, amendments to the pending proposal shall first be in order before any vote is taken on any such motion.

Rule 61 - Motions not Debatable.

A motion to adjourn is always in order except when a motion to fix the time to which to adjourn, or a motion to amend the

calendar and agenda, is pending. A motion to adjourn, a motion to lay on the table, a motion for recess pending the consideration of other business and all matters relating to questions of order, shall be decided without debate.

Rule 62 - Order of Putting Questions

All questions shall be put in the order in which they are moved, except in the case of privileged motions.

Rule 63 - Amendments must be Germane

No motion or proposition relating to a subject different from that under consideration shall be admitted under color of an amendment or substitute.

Rule 64 - Division of Question

Any Delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that when one is removed or deferred, a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall not be subject to division within the meaning of this rule.

Rule 65 - Previous Question

The method of ordering the previous question (which shall not be made in the Committee of the Whole) shall be as follows: Any Delegate may move the previous question and, unless otherwise stated, the motion shall apply to the immediately pending question only. The presiding officer shall put the question, "Shall the main question now be put?" This shall be ordered only by the affirmative vote of two-thirds (2/3) of the Delegates present and voting. Prior to the ordering of the same, a Call of the

Convention may be moved and ordered, but after ordering the previous question nothing shall be in order prior to the decision of the pending question or questions, except demands for the ayes and nays, points of order, appeals from the decision of the Chair, and a motion to adjourn or to take a recess, all of which shall be decided without debate. The effect of ordering the previous question is to put an end to all debate and bring the Convention to a direct vote upon the immediately pending question, and such other pending questions as were specified in the motion in their order down to and including the main question; provided however, that when the previous question is ordered, amendments then on the Secretary's desk shall be acted upon. When a motion to reconsider has been taken under the previous question and decided in the affirmative, the fact that the previous question had been ordered shall have no operation or effect with respect to the question for which reconsideration has been ordered. If the Convention refuses to order the previous question, it shall resume consideration of the pending subject as though no motion for the previous question had been made.

Rule 66 - Motion for Reconsideration

Any Delegate who voted on the prevailing side may move for a reconsideration of any question at the same session day of the Convention or may give notice that he will make such a motion not later than the next succeeding session day. If the Delegate who gave the notice does not make the motion at the next succeeding session day, any Delegate may do so. The Committee on Style, may move for reconsideration on any subsequent day if one session day's notice of its intention to do so is given in writing to the

Secretary and entered upon the Journal. A motion to reconsider shall take precedence over all other questions, except a motion to fix the time to which to adjourn, a motion to adjourn and a motion to recess. A motion to reconsider shall not be renewed.

Rule 67 - Ordering Calls of the Convention

Calls of the Convention may be ordered upon motion by the affirmative vote of a majority of the Delegates present and voting, but the total vote in favor of such Call shall not be less than twelve (12).

Rule 68 - Procedure on Call of Convention

After a Call of the Convention is ordered the doors shall be closed and the Delegates shall not be permitted to leave the floor of the Convention without permission of the President of the Convention. The Sergeant at Arms shall notify all members within the bar of the Convention of the Call. The roll of the Convention shall be called and the absentees noted. The Sergeant at Arms may, upon motion, be dispatched after the absentees. In such case, a list of the absentees shall be furnished by the Secretary to the Sergeant at Arms, who shall bring such absentees to the floor of the Convention with all possible speed. In case the Sergeant of Arms requires assistance in addition to the regularly appointed assistant Sergeants at Arms of the Convention, the President, upon motion, may deputize as a special assistant Sergeant at Arms any person properly qualified. The Convention may proceed to business under a Call of the Convention pending the arrival of any absentees.

CHAPTER VIII

LOBBYISTS

Rule 69 - Registration and Regulation

Section 15 of the Enabling Act regulating lobbying during the Montana Constitutional Convention is adopted by this Convention by reference. Lobbying on the floor and foyer of the Convention Hall and South Senate Lobby is prohibited one-half (1/2) hour prior to the commencement of the session, during the session and within one-half (1/2) hour after adjournment.

CHAPTER IX
MISCELLANEOUS

Rule 70 - Reading of Documents

When the reading of a document is called for and an objection is raised to such reading, the Convention shall determine without debate whether the document shall be read.

Rule 71 - Putting the Question

The President or Chairman shall put all questions substantially in this form: "As many as are in favor of (as the question may be) say 'aye';" and after the affirmative vote is expressed, "as many as are opposed say 'no'." If the President or Chairman is in doubt as to the vote, he may order a division or roll call of the Convention.

A division of the Convention may be had upon the demand of five (5) Delegates. When a division of the Convention is ordered, the President shall declare the result.

A recorded roll call may be had upon the demand of five (5) Delegates.

On a tie vote the question shall be determined as lost.

Rule 72 - Recognition During Roll Call

After a question has been stated by the President, and the call of the roll has been started, the President shall not recognize a Delegate for any purpose except upon points of order, or for the purpose of explaining his vote on a proposal or amendment thereto, until after the announcement of the vote. The clerk shall enter upon the Journal the names of those voting "aye" and the names of those voting "no."

Rule 73 - Roll Call

At the roll call to be taken at the opening of each session and upon calls of the Convention, the names of the Delegates shall be called alphabetically or the voting machine shall be used, and the absentees noted, after which the names of the absentees shall not be called.

Rule 74 - Amendment or Suspension of Rules

These rules may be amended by the affirmative vote of a majority of Delegates after the proposed amendment has been submitted in writing, has been considered by the Committee on Rules, and has been in the possession of the Delegates not less than two (2) session days prior to its consideration. The Committee on Rules may be discharged from further consideration of any proposed amendment upon the same notice and by the same vote as is provided in Rule 43 for proposals. One or more rules may be suspended for a specified purpose by the affirmative vote of two-thirds (2/3) of the Delegates present or a majority of all Delegates of the Convention, whichever constitutes the lesser number.

Rule 75 - Appeals - Form of Question

On all appeals from decisions of the Chair the question shall be "Shall the appeal be sustained?" A favorable vote of a majority of the Delegates present and voting shall sustain the appeal. The presiding officer may cast his vote on an appeal from his decision, and he shall have the right to explain his decision.

Rule 76 - Mason's Rules on Legislative Procedure

In all cases not covered by these rules, the controlling parliamentary authority shall be the latest edition of Mason's Rules of Legislative Procedure.

Rule 77 - Voting by the Electrical Roll Call System

When the Convention is ready to vote upon any question requiring a recorded roll call, and the vote is to be taken by the electrical roll call system, the presiding officer shall announce: "The question is on the passage of (designating the matter to be voted upon). All in favor of such question shall vote 'aye', all opposed shall vote 'nay'. The Convention will now proceed to vote."

After affording the Delegates sufficient time in which to vote, the presiding officer shall announce "Has every Delegate voted?" then, "Does any Delegate wish to change his vote?" and after a short pause he shall then say "The vote is now closed and the clerk shall proceed to record the vote."

The clerk shall immediately start the vote recording equipment, and when completely recorded, the President shall announce the result. The Secretary shall enter upon the Journal the result in the manner provided by the Rules of the Convention.

No Delegate may cast the vote of another Delegate in any session of the Convention, Committee of the Whole or Committee meeting, nor shall any person not a Delegate cast a vote for any Delegate. Any Delegate who votes or attempts to vote for another Delegate may be punished in such manner as the Convention determines. If a person not a Delegate votes or attempts to vote for any

Delegate, he shall be barred from the floor of the Convention for the remainder of the session and may be further punished in such manner as the Convention determines proper. Proxy voting is not permitted.

At no time shall the voting machine show a running tally of the votes being cast by Delegates, and the colored lights next to the Delegates names shall be used at all times.

Rule 78 - "Present" Votes

Votes cast as "present" shall be recorded in the Journal as "present," but such votes shall not be counted in determining the required number of votes on those measures or questions needing the affirmative vote of those "present and voting."

Rule 79 - Convention Schedule

The Convention shall have a schedule, which shall be prepared by the President, with the advice of the Committees on Rules and Administration and submitted to the Convention for its approval. Said schedule shall be attached to these rules as an appendix.

Rule 80 Pairing

Two delegates may pair on a proposal before the Convention under Orders of Business No. 5 and No. 6. Pairing is permitted only when one of the paired delegates is absent when the vote is taken.

An agreement to pair must be in writing and dated and signed by the delegates agreeing to be bound, must specify the duration of the pair, and must be filed with the Secretary. The pair shall bind the delegates signing until the expiration of time for which it was signed, unless the paired delegates sooner appear and ask that the agreement be cancelled.

APPENDIX A

CONSTITUTIONAL CONVENTION ENABLING ACT

CONSTITUTIONAL CONVENTION ENABLING ACT

Section 1. A constitutional convention to propose revisions, alterations, or amendments to the constitution of the state of Montana is hereby called.

Section 2. The number of members of the convention and the districts from which they are elected shall be the same as that provided for the election of members of the house of representatives of the Montana legislative assembly at the general election to be held November 7, 1972.

Section 3. The qualifications of members shall be the same as that of members of the senate of the Montana legislative assembly as provided in article V, section 3 of the constitution of the state of Montana: "No person shall be a senator who shall not have attained the age of twenty-four (24) years, and who shall not be a citizen of the United States and who shall not (for at least twelve (12) months next preceding his election) have resided within the county or district in which he shall be elected."

Section 4. (1) Delegates to the constitutional convention shall be elected in the same manner as members of the house of representatives, except the special primary election shall be held September 14, 1971 and the special general election shall be held November 2, 1971.

Thirty (30) days or more before the special general election, the secretary of state shall certify to the registrars the name and description of each person nominated, as specified on the certificate of nomination filed with him.

Section 5. Each member, before entering upon his duties, shall take and subscribe the following oath or affirmation prescribed by section 1 of article XIX of the constitution of the state of Montana: "I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity; and that I have not paid, or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this state, or procured

ENABLING ACT

it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law, so help me God."

Section 6. Vacancies occurring in the convention shall be filled in the manner provided for filling vacancies in the legislative assembly as provided in sections 43-215 and 43-216, R.C.M. 1947.

"43-215. Filling vacancies in legislative assembly--appointment by board of county commissioners--calling of board meeting. When a vacancy occurs in either house of the legislative assembly, the vacancy shall be filled by appointment by the board of county commissioners, or, in the event of a multicounty district, the boards of county commissioners comprising the district sitting as one appointing board. The chairman of the board of county commissioners of the county in which the person resided whose vacancy is to be filled shall call a meeting for the purpose of appointing the member of the legislative assembly, and he shall act as the presiding officer of the meeting."

"43-216. Alternative method of selection--failure of one candidate to receive majority vote. In the event that a decision cannot be made by the appointing board because of failure of any candidate to receive a majority of the votes, the final decision may be made by lot from a number of candidates, not exceeding the number of counties comprising the district, in accordance with rules of selection adopted by the appointing board."

Section 7. (1) It shall be the duty of the delegates elected to assemble in the chambers of the house of representatives in the state capitol building in the city of Helena at 10:00 a.m. on November 29, 1971, for an organizational meeting of no longer than three (3) days duration.

(2) This meeting shall be for the purpose of electing permanent convention officers, adopting rules of procedure, and providing for such interim committees and staff members as may be necessary to prepare for the plenary meeting of the convention.

(3) Until the convention has adopted rules of procedure, "Mason's Manual of Legislative Procedure" shall govern the procedure of the convention. A majority of the whole number of delegates to the convention shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day. The convention may compel the attendance of its members.

ENABLING ACT

(4) The governor shall call the first meeting of the constitutional convention to order and shall preside until a temporary president is elected. The governor shall:

(a) call the roll of the members-elect, (as shown by the official election returns on file in the office of the secretary of state);

(b) cause the oath called for by this act to be administered to those members-elect who are present;

(c) call for nominations of convention members for the office of temporary president;

(d) cause the roll of members to be called for the purpose of voting for temporary president, and

(e) declare to be elected the person receiving a plurality of the votes cast for the office of temporary president.

(5) The temporary president shall then assume the duties of the presiding officer, and the convention shall proceed to the election of a president from within its membership in like manner as the temporary president was elected except that a majority of the votes cast is required to elect the president of the convention. The convention shall then proceed to elect one of its members as vice-president of the convention to preside in the absence of the president.

(6) It shall be the duty of the delegates elected to assemble in plenary session in the chambers of the house of representatives in the state capitol building in the city of Helena at 10:00 a.m. on January 17, 1972. The convention, which may recess from time to time, shall then remain in session as long as necessary.

Section 8. In going to and returning from the convention and during its sessions, the members shall in all cases, except treason, felony or breach of the peace, be privileged from arrest; and they shall not be questioned in any other place for any speech or debate in the convention.

Section 9. The convention may select and employ such employees as it may deem necessary to the efficient conduct of its business, each of whom shall receive such compensation as may be fixed by the convention. The convention may make such other expenditures as it deems proper to carry out its work, but shall not authorize total expenditures in excess of the amount appropriated by law for its expenses.

ENABLING ACT

Section 10. (1) The convention shall determine the rules of its procedure, and be the judge of the election, returns and qualifications of its members. The convention shall keep a verbatim journal of its proceedings and a transcript of its debates. Each committee of the convention shall keep a record of its proceedings and reports. The convention may also provide for the publication of any of its other documents and reports.

(2) The verbatim journal of its proceedings, the transcript of the debates of the convention, and the committee reports and proceedings shall be filed in the office of the secretary of state.

Section 11. (1) It shall be the duty of all public officers and employees to furnish the convention with any and all statements, papers, books, records and public documents that the convention requires on request of the convention or its committees, and appear before the convention or any committee thereof. The convention, and its committees, may compel the attendance and testimony of witnesses and the production of books, records and documents. Oaths may be administered by the president or any other officer of the convention. Subpoenas and subpoenas duces tecum may be issued over the signature of the president or any other officer of the convention, and may be served by any adult person designated by the issuing officer.

(2) Any district court judge, upon application of the convention, may compel the attendance of witnesses, the production of books, records or documents, and the giving of testimony before the convention by an attachment for contempt or otherwise in the same manner as production of evidence, not privileged by law, may be compelled before the court.

Section 12. (1) The convention may use the facilities of the state, municipal or county government when such use is not disruptive of regular governmental activities.

(2) State, municipal and county officers and employees, at the request of the convention and with the consent of the employing agency, may be granted leave with or without pay from their agency to serve as consultants to the constitutional convention. If leave with pay is granted they shall receive no other compensation, except mileage and per diem, from the convention.

Section 13. The convention may also prepare a schedule of proposed legislation for submission to the 1973 legislative assembly that will complement the proposed revisions, alterations or amendments.

ENABLING ACT

Section 14. The convention shall prepare a schedule of transitional provisions and fix the date or dates upon which revisions, alterations or amendments, if adopted by the voters, take effect.

Section 15. (1) Sections 43-801 to 43-808, R.C.M. 1947, providing for the licensing of legislative lobbyists shall apply to lobbying at the constitutional convention.

(2) Licensed lobbyists shall file with the secretary of state a report on February 1, 1972; February 15, 1972; March 1, 1972; March 15, 1972; April 1, 1972; June 15, 1972. The report, under oath, must include all expenditures made by him relative to promoting or opposing constitutional provisions. On the fifth day a report is delinquent, the secretary of state shall suspend the license of any licensed lobbyist who fails to file a report until such report is filed. The suspension shall be entered on the docket, and the president of the convention notified.

(3) Reports must be filed even though no expenditures may have been made.

(4) Reports need not include:

(a) reasonable internal expenditures such as office expenses, mailing and routine research, and

(b) reasonable expenditures for his personal food, lodging and travel.

(5) Expenditures of twenty-five dollars (\$25) or less may be reported in total amounts rather than in detail.

(6) A lobbyist who terminates his duties shall give the secretary of state, within thirty (30) days after the date of such termination, written notice and shall include a report of his expenditures covering the period of time since his last report. Such reports shall be final.

(7) The secretary of state shall provide forms and shall keep such reports on file for three (3) years. All records are to be open to the public.

(8) Failure to file reports or the filing of incomplete information is a violation of section 43-808, R.C.M. 1947.

Section 16. (1) For each day of the organization, plenary and signing sessions of the convention, members of the convention shall be paid the same per diem, and expenses as

ENABLING ACT

provided in section 43-310, R.C.M. 1947, for members of the legislative assembly.

(2) The president and vice-president of the convention shall be paid the same per diem, and expenses as the president of the senate and speaker of the house of representatives as provided in section 43-311, R.C.M. 1947.

(3) Members and officers shall be entitled to mileage for three (3) trips to and from their residences and Helena by the nearest traveled route at the rate provided for the legislative assembly in section 43-310, R.C.M. 1947.

(4) Officers and employees of the state and its political subdivisions who are not prohibited by the Montana Constitution or the laws of Montana from serving as delegates and who are elected and serve as delegates to the convention shall have leave, without pay, from their employment during the time the convention is in session, and they shall be entitled to the per diem, expenses and mileage for delegates as provided in this section.

Section 17. (1) The revision or alteration of, or the amendments to the constitution, adopted by the convention, shall be submitted to the electors of this state for ratification or rejection, at an election appointed by the convention for that purpose, not less than two (2) months nor more than six (6) months after the adjournment of the convention.

(2) The convention may submit proposals to the electorate for ratification in any of the following forms:

(a) submitted as a unit in the form of a new constitution;

(b) submitted as a unit with the exception of separate proposals to be voted upon individually, or

(c) submitted in the form of a series of separate amendments.

(3) The proposals adopted by the convention shall be certified by the president and secretary of the convention to the secretary of state.

(4) Each proposed revision, alteration, or amendment, together with appropriate information explaining each revision, alteration, or amendment, shall be published in full and

ENABLING ACT

disseminated to the electors upon adjournment of the convention but not later than thirty (30) days preceding the election and in such manner as the convention prescribes.

(5) The convention shall also publish a report to the people explaining its proposals.

(6) Notice of the election shall be given in the manner and form prescribed by the convention.

(7) The convention shall prescribe the manner and form of voting at such election.

(8) The votes cast at such election shall be tabulated, returned and canvassed in such manner as may be directed by the convention.

(9) If a majority of the electors voting at the special election shall vote for the proposals of the convention the governor shall by his proclamation declare the proposals to have been adopted by the people of Montana. The new constitutional provisions shall take effect as provided therein, or as provided in a schedule of transitional provisions attached thereto.

(10) The election laws of the state of Montana shall apply in all other respects to the election conducted under this section.

Section 18. Every person who, at the time of holding of the election: provided for in this act, is a qualified voter under the constitution and laws of this state shall be entitled to vote in such election.

Section 19. All state and local officials shall do all those things which are appropriate to the holding of each of the special elections provided for in this act and which are required under the general election laws.

Section 20. (1) A temporary state agency known as the Montana constitutional convention commission consisting of sixteen (16) members is hereby created to prepare for the constitutional convention. Legislators whose terms of office have not expired shall not be appointed to the commission. Members of the commission shall be appointed for a term ending upon sine die adjournment of the constitutional convention, consideration being given to geographic, economic, and other pertinent factors as follows:

ENABLING ACT

(a) four (4) members appointed by the speaker of the house of representatives, no more than two (2) of whom shall be affiliated with the same political party;

(b) four (4) members appointed by the committee on committees of the senate, no more than two (2) of whom shall be affiliated with the same political party;

(c) four (4) members appointed by the governor, no more than two (2) of whom shall be affiliated with the same political party;

(d) four (4) members appointed by the supreme court, no more than two (2) of whom shall be affiliated with the same political party.

(2) Commission members shall be reimbursed for actual and necessary expenses incurred as commission members.

(3) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments, except when the legislature is not in session a vacancy among members appointed by the Speaker of the House and the Committee on Committees of the Senate may be filled by selection of another member by the remaining members of commission.

(4) The commission shall select from its membership a chairman and any other officers it considers necessary.

(5) The commission may employ and fix the compensation and duties of necessary staff.

(6) State, municipal and county officers and employees, at the request of the commission and with the consent of the employing agency, may be granted leave with or without pay from their agency to serve as consultants to the constitutional convention commission. If leave with pay is granted they shall receive no other compensation, except mileage and per diem, from the commission.

(7) It shall be the duty of the commission, in order to prepare for the constitutional convention: to undertake studies and research; to compile, prepare and assemble essential information for the delegates, without any recommendation.

(8) The chairman shall schedule meetings of the commission as deemed necessary. The chairman shall give due notice of the time and place of the meetings to members of the commission. The director shall report at each meeting.

ENABLING ACT

(9) The commission shall maintain a written record of its proceedings and its finances which shall be open to inspection by any person at the office of the commission during regular office hours.

(10) Upon request, state agencies shall cooperate with the commission by furnishing assistance and data to the extent possible.

(11) The commission may accept and expend any federal funds which may be available for support of the preparatory study.

(12) The commission shall report its findings and any recommendations it considers necessary to the convention and transfer its files to the constitutional convention within ten (10) days after the constitutional convention has convened.

Section 21. (1) The following amount is appropriated from the general fund to the constitutional convention commission:

For the period ending February 1, 1972 \$149,540

Any amount unexpended from this appropriation on February 1, 1972 is appropriated to the constitutional convention for the biennium ending June 30, 1973.

(2) The following amount is appropriated from the federal and private fund revenue fund to the constitutional convention commission:

For the period ending February 1, 1972 \$149,461

Any amount unexpended from this appropriation on February 1, 1972 is appropriated to the constitutional convention for the biennium ending June 30, 1973.

(3) The following amount is appropriated from the general fund to the constitutional convention:

For the biennium ending June 30, 1973 \$499,281

(4) The following amount is appropriated from the general fund to the secretary of state for the elections relating to the constitutional convention:

For the biennium ending June 30, 1973 \$ 41,000

Section 22. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act.

ENABLING ACT

Section 23. This act is effective on its passage and approval.

Section 24. This act is repealed effective June 30, 1973.

APPENDIX B

LOBBYING

LOBBYING

Section 15 of the Constitutional Convention Enabling Act provides:

Section 15. (1) Sections 43-801 to 43-808, R.C.M. 1947, providing for the licensing of legislative lobbyists shall apply to lobbying at the constitutional convention.

(2) Licensed lobbyists shall file with the secretary of state a report on February 1, 1972; February 15, 1972; March 1, 1972; March 15, 1972; April 1, 1972; June 15, 1972. The report, under oath, must include all expenditures made by him relative to promoting or opposing constitutional provisions. On the fifth day a report is delinquent, the secretary of state shall suspend the license of any licensed lobbyist who fails to file a report until such report is filed. The suspension shall be entered on the docket, and the president of the convention notified.

(3) Reports must be filed even though no expenditures may have been made.

(4) Reports need not include:

(a) reasonable internal expenditures such as office expenses, mailing and routine research, and

(b) reasonable expenditures for his personal food, lodging and travel.

(5) Expenditures of twenty-five dollars (\$25) or less may be reported in total amounts rather than in detail.

(6) A lobbyist who terminates his duties shall give the secretary of state, within thirty (30) days after the date of such termination, written notice and shall include a report of his expenditures covering the period of time since his last report. Such reports shall be final.

(7) The secretary of state shall provide forms and shall keep such reports on file for three (3) years. All records are to be open to the public.

(8) Failure to file reports or the filing of incomplete information is a violation of section 43-808, R.C.M. 1947.

LEGISLATIVE LOBBYING ACT

Section 43-801. PURPOSE OF ACT. The purpose of this act is to promote a high standard of ethics in the practice of lobbying, to prevent unfair and unethical lobbying practices and to provide for the licensing of lobbyists and the suspension of [or] revocation of such licenses.

Section 43-802. DEFINITIONS. The following words and phrases shall have the meaning respectively ascribed to them:

(1) Lobbying. The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members thereof by any person other than a member of the legislature or a public official acting in his official capacity.

(2) Lobbyist. Any person who engages in the practice of lobbying for hire except in the manner authorized by section 43-807. Lobbying for hire shall include activities of any officers, agents, attorneys or employees of any principal who are paid a regular salary or retained by such principal and whose duties include lobbying. When a person is only reimbursed for his personal living and travel expenses, he shall not be considered to be lobbying for hire. Nothing in this section shall be construed to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the legislature.

(3) Unprofessional conduct. A violation of any of the provisions of this act, or soliciting employment from any principal, or instigating the introduction of legislation for the purpose of obtaining employment in opposition thereto, or attempting to influence the vote of legislators on any measure pending or to be proposed by the promise of support or opposition at any future election, or by any other means than argument on the merits thereof, or by making public any unsubstantiated charges of improper conduct on the part of any other lobbyist or of any legislator, or engaging in practices which reflect discredit on the practice of lobbying or the legislature.

(4) Principal. (a) Any person, corporation or association which engages a lobbyist or other person in connection with any legislation, pending before the legislature or to be proposed, affecting the pecuniary interest of such person, corporation or association.

(b) Any board, department, commission or other agency of the state, or any county or municipal corporation, which engages a lobbyist or other person in connection with any legislation pending or to be proposed affecting the statutory powers, duties or appropriation of such agency, county or municipal corporation.

(5) Docket. The registrar of licensed lobbyists maintained by the secretary of state pursuant to section 43-805.

(6) Pecuniary interest. This term includes without limitation any legislation which creates, alters or repeals any statutory charge by way of tax, license fee, registration fee or otherwise, or which creates, alters or repeals any statutory privilege, power, restriction or obligation of any principal, or which creates, alters or repeals the powers or duties of any court or governmental agency before which the principal does business.

43-803. LICENSING OF LOBBYISTS-FEE-EXPIRATION, SUSPENSION OR REVOCATION-REINSTATEMENT. (1) Licenses--fees--eligibility. Any person of adult age and good moral character who is a citizen of the United States and otherwise qualified under this act may be licensed as a lobbyist as herein provided. The secretary of state shall provide for the form of application for license. Such application may be obtained in the office of the secretary of state and filed therein. Upon approval of such application and payment of the license fee of ten dollars (\$10.00) to the secretary of state, a license shall be issued which shall entitle the licensee to practice lobbying on behalf of any one or more principals. Each license shall expire on December 31 of each odd-numbered year. No application shall be disapproved without affording the applicant a hearing which shall be held and decision entered within ten (10) days, of the date of filing of the application. The license fees collected by the secretary of state under this act shall be deposited by him in the state treasury in a special fund to be known as the "Lobby License Fund" which fund is to be expended in the manner hereinafter provided.

(2) Suspension or revocation of license. Upon verified complaint in writing to the attorney general of the state of Montana charging the holder of a license with having been guilty of unprofessional conduct or with having procured his license by fraud or perjury or through error, the attorney general is hereby authorized to bring civil action in the district court for Lewis and Clark county, state of Montana, against the holder and in the name of the state as plaintiff to revoke the license. Hearing shall be held by the court unless the defendant-licensee demands

a jury trial. The trial shall be held as soon as possible and at least twenty (20) days after the filing of the charges and shall take precedence over all other matters pending before the court. If the court finds for the plaintiff judgment shall be rendered revoking the license, and the clerk of the court shall file a certified copy of the judgment with the secretary of state. Costs shall be paid from the "Lobby License Fund." The licensing authority may commence any such action on his own motion.

(3) Suspension of lobbying privileges. No lobbyist whose license has been suspended or revoked and no person who has been convicted of a violation of any provision of this act shall engage in any lobbying until he has been reinstated to the practice of lobbying and duly licensed.

Section 43-804. PRINCIPAL OF LOBBYISTS-ENTERING NAME OF LOBBYISTS ON DOCKET. Except as provided in section 43-807 every principal who employs any lobbyist shall within one (1) week after such employment cause the name of said lobbyist to be entered upon the docket. It shall also be the duty of the lobbyist to enter his name upon the docket. Upon the termination of such employment such fact may be entered opposite the name of the lobbyist either by the lobbyist or the principal.

Section 43-805. DOCKET-CONTENTS-REPORT TO LEGISLATURE-SUBJECTS OF LEGISLATION-WRITTEN AUTHORIZATION. (1) The secretary of state shall prepare and keep a docket in which shall be entered the name and business address of each lobbyist and the name and business address of his principal, and the subject or subjects of legislation to which the employment relates or a statement that the employment relates to all matters in which the principal has an interest. Such docket shall be a public record and open to the inspection of any citizen upon demand at any time during the regular business hours of the office of the secretary of state. Beginning with the first week following the beginning of any regular or special session of the legislature and on every Tuesday thereafter for the duration of such session, the secretary of state shall from his records report to each house of the legislature the names of lobbyists registered under this act, not previously reported, the names of the persons whom they represent as such lobbyist, and subject of legislation in which they are interested.

(2) Any principal employing any lobbyist shall when further subjects of legislation are introduced or arise which such lobbyist is to promote to oppose, make or cause to be made additional entries in the docket stating such employment so that the docket will show at all times all subjects of legislation in relation to which the lobbyist is employed or the general statement provided above.

(3) Within ten (10) days after his registration in the docket, a lobbyist shall file with the secretary of the state a written authorization to act as such signed by his principal.

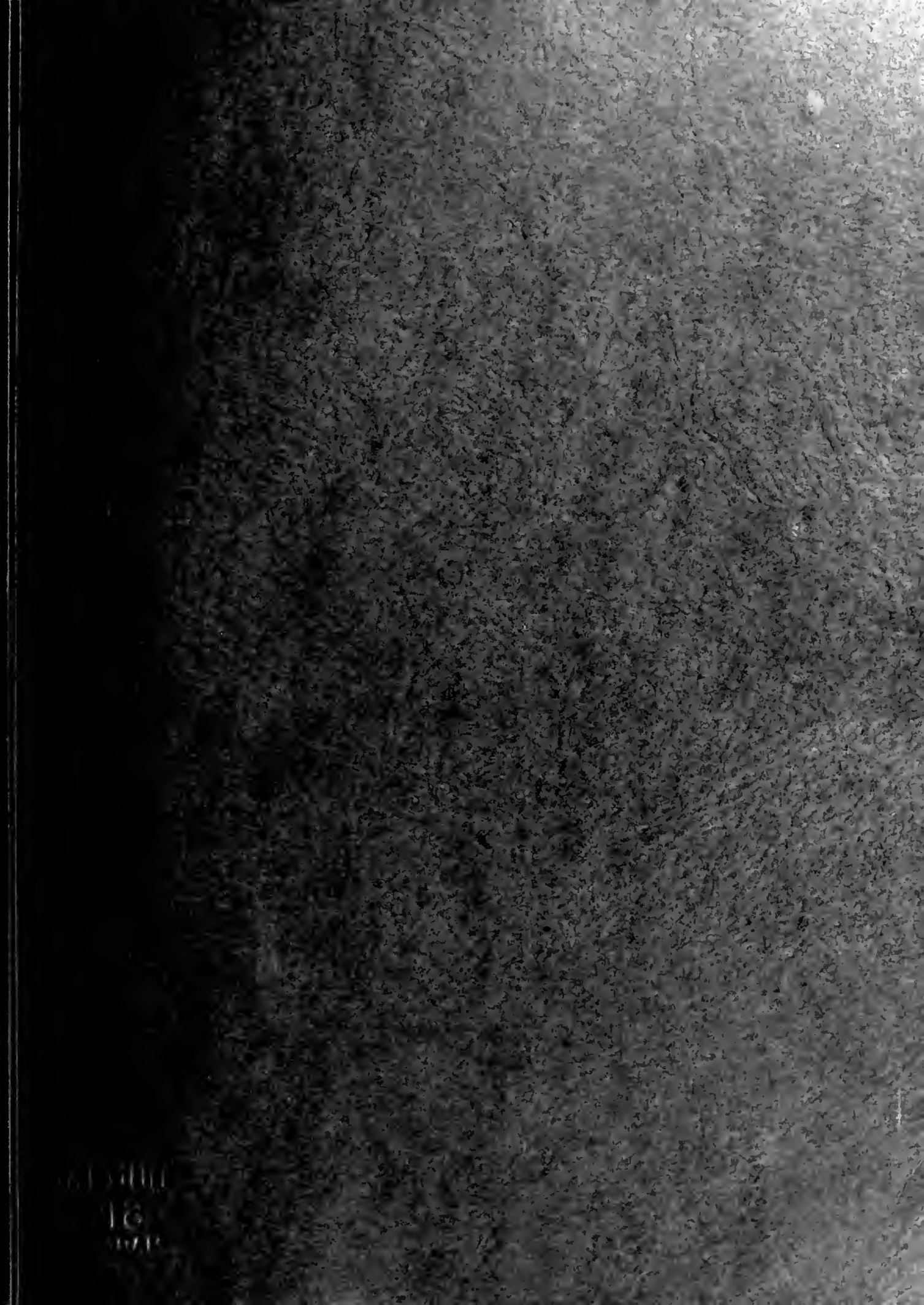
Section 43-806 PRACTICE WITHOUT LICENSE AND REGISTRATION PROHIBITED-COPIES OF STATEMENTS, BRIEFS, ETC.-RESTRICTIONS APPLICABLE WHEN. (1) No person shall practice as a lobbyist unless he has been duly licensed under the provisions of section 43-803 and unless his name appears upon the docket as employed in respect to such matters as he shall be promoting or opposing. No principal shall directly or indirectly authorize or permit any lobbyist employed by him to practice lobbying in respect to any legislation affecting the pecuniary interest of such principal until such lobbyist is duly licensed and the name of such lobbyist is duly entered on the docket. No person shall be employed as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof.

(2) Before or within five (5) days after delivering any written or printed statement, argument or brief to the entire membership of either or both houses of the legislature, three (3) copies shall be deposited with the secretary of the state.

(3) The restrictions upon the practice of lobbying provided by this act shall be effective only during the regular and special sessions of the legislature.

43-807. PERSONS NOT REQUIRED TO BE LICENSED OR REGISTERED. Any person who limits his lobbying solely to appearances before legislative committees of either house and registers his appearance on the records of such committee in writing, shall not be required to be licensed as a lobbyist, pay a license fee, or register with the secretary of state.

43-808. PENALTY FOR VIOLATIONS. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the county jail, not more than six (6) months, or by a fine not exceeding two hundred dollars (\$200) or both.



MS. A. 9. 2. 16
16
1717



100-1740
51251
MADE IN U.S.A.